D.B.CIVIL WRIT PETITION NO.1786/2007
(Union of India & Ors. Vs. Pukhraj Gehlot)

DATE OF ORDER:30.05.2007

HON'BLE MR.JUSTICE RAJESH BALIA
HON'BLE MR.JUSTICE BHANWAROO KHAN

Mr.Kuldeep Mathur, for the appellants

BY THE COURT(PER HON'BLE MR.BALIA J.)

Heard learned counsel for the appellants.

The admitted facts are that the respondent is a retired personnel, who was serving under the petitioners. He has been recommended by the Civil Hospital M.G.Hospital, Jodhpur, place where the respondent was residing after retirement for Angiography. There was no facility of Angiography in aforesaid hospital at the relevant time. The petitioner had availed the facility of Angiography in ESCORT Hospital, New Delhi. He has ultimately undergone heart surgery in All India Institute of Medical Science and had incurred Rs.61,913.70 as medical expenses. The reimbursement of the same has been denied on a technical rule that the respondent was not having ID Card.

Apparently when the fact about his employment is undisputed, he is entitled to reimbursement for the medical expenses incurred for bye-pass surgery underwent by him at All

India Institute of Medical Science, which is a recognised Institution where bye-pass surgery can be undertaken by a government employee as local civil hospital was not having this facility. There was no impediment on reimbursement of the said amount merely on a technical ground of having no ID Card. The petitioner is entitled to reimbursement of the expenses incurred for undergoing bye-pass surgery. The fact that ID Card was issued for the purpose of purchasing medicines on the prescription of local civil hospital, obviously has no application in such cases. In our opinion, the Tribunal was right in allowing the application of the respondent. The case is otherwise governed by the decision of Supreme Court given in Surjeet Singh vs. State of Punjab reported in 1996(1) S.L.R. Page 786.

The petition is accordingly dismissed.

(BHANWAROO KHAN) J. **(RAJESH BALIA) J.**

BKS/-